

REMARKS

1. Status of claims

After entry of the above amendment, claims 1-24 and 26-64 are pending. Claims 30-64 are new.

2. Support for amendment

The above amendments find support at p. 5, line 4; the Sequence Listing filed June 4, 2004; claims 6, 18, and 26; p. 5, lines 6-17; and U.S. Pat. No. 5,290,763, which was incorporated by reference. No new matter has been added by this amendment.

3. Claim rejections under 35 U.S.C. §112

The Examiner rejected claims 1-5, 7-17, 24, and 27-29 under 35 U.S.C. §112, second paragraph, as being indefinite for reciting “a bone protein mixture.” Without agreeing with the propriety of this rejection, reserving the right to present claims using this language in continuing prosecution and solely for the purpose of advancing the issuance of the instant claim, by the above amendment, claims 1, 11, and 13 have been amended to recite “BP (bone protein mixture).” At paragraph 5 of the Detailed Action mailed August 30, 2004, the Examiner indicated this recitation might overcome this rejection. In light of the amendment, Applicants request this rejection be withdrawn.

4. *Claim objections*

The Examiner objected to claim 28 for failing to comply with the sequence rules. By the above amendment, all sequences recited by claim 28 are now referred to with sequence identifiers, and Applicants request this objection be withdrawn.

5. *Objection to the specification*

The Examiner stated the above objection for failing to comply with the sequence rules also applied to the brief description of the drawings. However, she further stated “the fragments in figures 16A and 16B” should be referred to with sequence identifiers. Applicants submit (i) the Examiner intended to refer to Figures 15A and 15B and (ii) the brief descriptions of Figures 15A and 15B need not include sequence identifiers. Applicants request this objection to the brief description of the drawings be withdrawn.

6. *Drawing objections*

First, the Examiner objected to Figures 16A and 16B for failing to comply with the sequence rules. As stated above, Applicants submit the Examiner intended to refer to Figures 15A and 15B, in light of the observation that Figures 15A and 15B include fragment sequences and Figures 16A and 16B do not. Applicants present substitute Figures 15A and 15B which include sequence identifiers, and request this objection be withdrawn.

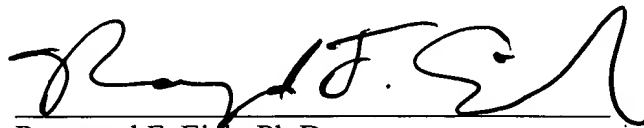
Second, the Draftsperson objected to Figures 4-6, 7A-7M, 13A-19D, and 1-19D. Applicants present substitute Figures 1-19D, and request this rejection be withdrawn.

7. *Conclusion*

Applicants submit all pending claims 1-24 and 26-64 are in condition for allowance. The Examiner is invited to contact the undersigned patent agent at (713) 934-4065 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Raymund F. Eich', written over a horizontal line.

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